



Town of Groton, Connecticut

Meeting Minutes

Town Council

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk 860-441-6640
Town Manager
860-441-6630

Mayor Heather Bond Somers, Councilors Dean G. Antipas, Bruce S. Flax, Bill Johnson, Karen F. Morton, Deborah L. Peruzzotti, Rita M. Schmidt, James L. Streeter, and Harry A. Watson

Tuesday, August 6, 2013

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:31 p.m. by Mayor Somers.

Members Present: Mayor Somers, Councilor Antipas, Councilor Johnson, Councilor Schmidt, Councilor Streeter and Councilor Watson

Members Absent: Councilor Flax, Councilor Morton and Councilor Peruzzotti

Also present were Town Manager Mark Oefinger, Town Attorney Mike Carey, Library Director Betty Anne Reiter, Planning and Development Director Mike Murphy, OPDS staff, Town Clerk Betsy Moukawsher and Office Assistant Lori Watrous.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Amar Batra.

III. RECOGNITION, AWARDS & MEMORIALS

2013-0195 Proclamation Recognizing First Responders

Read

The proclamation was read by Councilor Streeter.

2013-0196 Proclamation Recognizing Amar Batra

Read

The proclamation was read by Mayor Somers.

2013-0201 Proclamation Commemorating the Sesquicentennial of the Civil War

Read

The proclamation was read by Library Director Betty Anne Reiter.

PUBLIC HEARING:

2013-0200 Public Hearing on Blight Ordinance

PUBLIC HEARING ON A BLIGHT ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. Purpose

(a) This Ordinance is enacted pursuant to authority granted by the Connecticut General Statutes, including without limitation by C.G.S. § 7-148(c)(7)(H)(xv), as amended by P.A. 12-146, §§ 2 and 4; C.G.S. § 148-o(b) and C.G.S. § 7-152c.

(b) This Ordinance prohibits any owner, occupant, agent, tenant and/or person in control of real property located in the Town of Groton, from allowing, creating, maintaining or causing to be created or maintained Blighted Premises.

(c) This ordinance shall apply to public and private property, regardless of principal or accessory uses, and is intended to protect, preserve, and promote public health, safety and welfare, including the preservation of property values.

(d) Notwithstanding the foregoing, this Ordinance shall not apply within the jurisdictional boundaries of the City of Groton or Groton Long Point.

Section 2. Definitions

The following words, terms, and phrases shall have the following meaning ascribed to them in this section.

(a) Blighted Premises means any building, structure or parcel of land where at least one of the following conditions exists:

(1) A condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.

(2) A building or structure is a fire hazard.

(3) The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public and be evidenced by one or more of the following conditions:

a. Missing, broken or boarded up windows and doors longer than 6 months.

b. Collapsing or missing exterior walls or roof, or other exterior features including but not necessarily limited to stairs, porches, railings, hatchways, chimneys or floors.

c. Seriously damaged or missing siding or roofing.

d. Unrepaired fire or water damage longer than 6 months.

e. Rodent harborage and/or infestation.

f. Persistent household garbage or trash on the property.

g. Parking lots in excess of 10 parking spaces in a state of disrepair or abandonment evidenced, for example, by cracks, potholes, overgrowth of vegetation within the surface, pavement or macadam, or within medians and buffers.

h. Shrubs, hedges, grass, plants, weeds or any other vegetation that have been left to grow in an unkempt manner that are covering or blocking means of egress or access to any building or that are blocking, interfering with, or otherwise obstructing any sightline, road sign, or emergency access to or at the property, when viewed from any property line. Maintained gardens, flower beds and xeriscape landscaping as part of a landscape design are excluded from enforcement under this subsection.

i. On any premises with a building or dwelling located thereon, whether said building or dwelling is occupied or not, no grass or weeds shall be permitted by any owner or occupant to reach a height greater than 2 feet.

j. The overall condition of the property structure and/or grounds causes an unreasonable impact on the value of neighboring properties.

(b) Town means the Town of Groton, CT.

(c) Blight Ordinance Enforcement Officer means a Town official and/or employee designated by the Town Manager to enforce this Ordinance and to issue citations and/or take other actions he deems necessary to compel compliance with it.

Section 3. Exemptions

The following properties shall be exempt from this Ordinance.

- (1) Agricultural lands pursuant to C.G.S. 22-3(b);
- (2) Land dedicated as public open space or parks;
- (3) Land preserved in its natural state through conservation easements or conservation restrictions;
- (4) Areas designated as buffers or development free areas by a land use agency;
- (5) Upland review areas or wetlands and watercourses;
- (6) Maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design.

Section 4. Prohibition

No owner, agent, occupant and/or a tenant required by a lease to maintain a property, and/or any person in control of real property located in the Town shall allow, maintain or cause to be maintained a Blighted Premises.

Section 5. Notice of Violation

- (a) The Blight Code Enforcement Officer shall give written notice of a violation of this Ordinance to the owner and occupant of and may give written notice to their agent(s), and/or any other person responsible for the Blighted Premises. The notice may be hand delivered or mailed by certified mail, return receipt requested, to the last known address of the person to whom it is directed.
- (b) Such notice shall state the violation and demand its abatement within a reasonable time to be determined by the Blight Code Enforcement Officer based on the nature and extent of the violations. If the violation is not corrected within the time provided in the written notice, the Blight Code Enforcement Officer may issue an enforcement citation and/or take other enforcement action as specified herein.
- (c) If the owner, agent, occupant and/or person responsible for the Blighted Premises cannot be ascertained or does not accept delivery of the written notice, the notice shall be published once in a newspaper having a substantial circulation in the town. The notice shall include the name of the last known owner of the real property upon which violation has been found and the address of the real property.
- (d) Any person who is a new owner or new occupant of a Blighted Property shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to Section 5(b). For purposes of this Ordinance, "new owner" shall mean any person or entity who has taken title to a property within thirty days of the notice, and "new occupant" shall mean any person who has taken occupancy of a property within thirty days of the notice.

Section 6. Penalty for Violation

Violations of this Ordinance shall be punishable by a civil penalty of no less than \$10.00 and no more than \$100.00 for each day a violation continues. Each day after due notice of the violation has been served shall constitute a separate offense.

Section 7. Enforcement Citation

- (a) A citation hearing procedure per C.G.S. § 7-152c is hereby established for purposes of this Ordinance. The Town Manager shall appoint one or more citation hearing officers for the Town.
- (b) If a violation remains unabated after the time allowed for abatement contained in the notice of violation issued per Section 5 hereof has expired, the Blight Code Enforcement Officer may issue a citation to the owner and occupant, and may issue a citation to any other person responsible for the

violation in accordance with this Ordinance. The citation shall state the date by which the uncontested payment of fines, penalties, costs or fees shall be made.

(c) Any person issued a citation pursuant to this Ordinance shall be entitled to a hearing to contest the citation pursuant to the provisions of C. G.S. § 7-152c.

(d) At any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees set by a citation issued pursuant to this Ordinance, the Town shall send notice to the person or persons cited to inform the person or persons: (1) of the allegations against him/her/it and the amount of the fines, penalties, costs or fees due; (2) that he/she/it may contest liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if he/she/it does not demand such a hearing, an assessment and judgment shall be entered against him/her/it; and (4) that such judgment may issue without further notice.

(i) For purposes of this Section 8, notice shall be presumed to have been properly sent if such notice was mailed to such person's last-known address on file with the tax collector. If the person to whom notice is issued is a registrant, the Town may deliver the notice in accordance with C.G.S. § 7-148ii, provided nothing in this section shall preclude the town from providing notice in another manner permitted by applicable law.

(e) If the person to whom notice is sent pursuant to this section wishes to admit liability, he/she/it may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the Town.

(f) Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for by subsection 7(c) of this Ordinance shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fine, penalties, costs or fees provided for by this Ordinance and shall follow the procedures for obtaining a judgment from the Superior Court set forth in C.G.S. § 152c(f).

(g) A person who makes a timely request for a hearing shall be given written notice of the date, time and place of the hearing. The hearing shall be held at a time and conducted in the manner provided by C.G.S. § 7-152c(e).

(i) The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this Ordinance.

(ii) If the hearing officer's assessment is not paid on the date of its entry, he shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment and an entry fee with the clerk of a superior court facility designated by the Chief Court Administrator.

(iii) The person against whom an assessment has been entered by the hearing officer pursuant to this section is entitled to judicial review by way of appeal pursuant to the provisions and requirements of C.G.S. § 7-152c(g).

Section 8. Recording of Lien

Any unpaid fine imposed shall constitute a lien upon the real estate in accordance with C.G.S. § 7-148aa. Each such lien shall be continued, recorded and released as provided for in C.G.S. § 7-148aa and the General Statutes.

Section 9. Municipal Performance

- (a) In addition to any penalties as permitted by statute, and the citation, hearing and assessment provisions of this Ordinance, the Building Code Enforcement Officer is authorized to institute any and all legal proceedings before the superior court to compel compliance with this Ordinance.
- (b) In the event the Building Code Enforcement Officer prevails in such legal proceedings, the violator shall be liable for all costs of bringing the property into compliance, and shall further be liable for all legal costs incurred by the town in bringing the property into compliance, including its reasonable attorney's fees.

Section 10. Exceptions and Pending Approvals

Any Blighted Premises for which any land use or building permit application for improvements to the Blighted Premises is pending, or which has been sold to a bona fide purchaser, shall be exempt from the provisions of this Ordinance for a period of 90 days from the date of submittal of a complete application to the Town or from the date of sale.

Section 11. Conflict and Separability

- (a) The provisions of this Ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this Ordinance.
- (b) If a court of competent jurisdiction finds any provision of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective. If any other ordinance or parts of ordinances are in conflict herewith, the more restrictive provision shall apply.

Heard at Public Hearing

Mayor Somers called a recess for the Public Hearing at 7:39 p.m.

The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.

Rebecca Parfitt, 26 Fort Hill Road, stated that when driving out of her driveway her visibility is blocked by her neighbor's yard. At times she has even weed-wacked the neighbor's property so that she can see. Ms. Parfitt is in favor of this ordinance, and requested that it be implemented as quickly as possible.

George Fetkin, 63 Valley Road, walks along Long Hill Road about five times a week and stated that in some areas the sidewalk is impassable and he is forced to walk in the street. In these areas there are rodents and one of the properties has a dangerous stone wall that is falling down. He is in favor of a blight ordinance.

Douglas Schwartz, 420 Long Hill Road, is concerned about the cost of enforcing a blight ordinance. He noted that no citizen should be exempt from the ordinance, but subdivisions may make stricter rules if they desire. He remarked that some municipal properties are in a state of disrepair and would need to be fixed as well. Mr. Schwartz stated that section j. regarding the value of neighboring properties is arbitrary. He is opposed to this ordinance.

Joan Steinford, 32 Valley Road, an RTM member who spoke as a private citizen, showed pictures of some properties in the Long Hill Road area that are in a state of disrepair with overgrown

vegetation, debris, rusted vehicles, etc. She noted that Zoning Enforcement Officer Lee Treadway was able to assist in getting some of these properties revitalized. Ms. Steinford remarked that a blight ordinance is desperately needed to clean up two commercial properties, one on Route 12 and one on South Pleasant Valley Road. These properties have overgrown vegetation and have become a health and safety issue. She is in favor of the ordinance.

Hank Steinford, 32 Valley Road, a member of the Planning Commission who spoke as a private citizen, stated that a blight ordinance is long overdue. He remarked that once a property owner is notified, he or she should have six to nine months to become compliant, rather than two years. He is in favor of a blight ordinance.

Randy Regnere, 54 Ginger Drive, stated that the Town is trying to look nice and attract new residents. He is in favor of the ordinance.

Linda Letz, Briar Hill Road, is in favor of adopting a blight ordinance.

There being no further comments, Mayor Somers closed the Public Hearing at 8:00 p.m.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

VI. CONSENT CALENDAR

a. Approval of Minutes

2013-0199 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meetings of July 16, 2013 and July 23, 2013 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Administrative Items

2013-0188 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Trillium Garden Club - \$400.00 - Library Miscellaneous

Galaxy Roller Rink - \$250.00 - Veteran's Memorial Park

Charles Rogers - \$35.00 - Social Services Discretionary

Lee Vincent - \$50.00 - Social Services Discretionary

Barbara Weeman - \$10.00 - Social Services Discretionary

MDA-UAW 571 - \$500.00 - Veteran's Memorial Park

CSEA Retirees Council Chapter 416 - \$50.00 - Library Miscellaneous

Joseph and Arlene Atwood - \$20.00 - Groton Utilities Energy Assistance Program

Robert and Phyllis Boggs - \$7.54 - Groton Utilities Energy Assistance Program

Marjorie Buckley - \$100.00 - Groton Utilities Energy Assistance Program

City of Groton Matching Funds - \$226.26 - Groton Utilities Energy Assistance Program

This Matter was Adopted on the Consent Calendar.

Passed The Consent Calendar

A motion was made by Councilor Watson, seconded by Councilor Schmidt, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.

The motion carried by the following vote:

Votes: In Favor: 5 - Mayor Somers, Councilor Johnson, Councilor Schmidt, Councilor Streeter and Councilor Watson

Abstain: 1 - Councilor Antipas

c. Deletions from the Town Council Referral List

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Councilor Schmidt attended the First Responders' Breakfast at the Groton Regency and a welcome social at the SubBase. She noted that the next Energy, Efficiency and Conservation Committee meeting will be held on August 12, 2013.

Councilor Streeter received an email regarding a homeless person taking up residence on Town property, this item has been referred to the Town Manager. He represented the Groton Rotary Club in Vermont and New Hampshire, and attended a Mystic Schooners baseball game in Montpelier.

Mayor Somers noted that the School Facilities Initiative Task Force meets every other Thursday and encouraged citizens to attend. She will meet with the RTM Moderator to set up a meeting to discuss better communication for the budget process. Mayor Somers noted that the Mystic Schooners are in the finals. She noted that all Town letterhead now has the phrase 'Submarine Capital of the World' in the footer as part of a re-branding effort in Groton. The Mayor, Councilor Schmidt, and Matt Longino attended Family Day at Navy Housing where they shared information about what is available in Groton.

b. Clerk of the Representative Town Meeting

The next regular RTM meeting will be held on August 14, 2013, at which members will discuss two bonding ordinances.

c. Clerk of the Council

For the upcoming municipal election, candidates have been endorsed by their respective political parties; there is also one petitioning candidate.

d. Town Manager

The Town Manager announced that the Town has received the Community Block Grant. He noted that the Regional Hazardous Waste day was a success, with over 330 cars dropping off items. He stated that CCM's Annual Expo will be held on October 2, 2013. Mr. Oefinger mentioned that, beginning August 12, the Groton Public Library will host an exhibit and programs for the 150th Anniversary of the Civil War.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Schmidt

No meeting, no report.

b. Economic Development - Chairman Johnson

No meeting, no report.

c. Education/Health & Social Services - Chairman Watson

No meeting, no report.

d. Environment/Energy - Chairman Peruzzotti

No meeting, no report.

e. Finance - Chairman Morton

No meeting, no report.

f. Personnel/Appointments/Rules - Chairman Flax

No meeting, no report.

g. Public Safety - Chairman Streeter

No meeting, no report.

h. Public Works/Recreation - Chairman Antipas

No meeting, no report.

i. Committee of the Whole - Mayor Somers

Mayor Somers noted that there will be a suspension of the rules tonight for the Council to go into Executive Session.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

None.

XI. OTHER BUSINESS**Suspension of the Rules**

A motion to suspend the rules to consider adding the following two items to the agenda of this regular Town Council meeting of August 6, 2013, was made by Councilor Watson, seconded by Councilor Schmidt and so voted unanimously.

1. An executive session to discuss strategy and negotiations regarding administrative proceedings/claims related to the application of the Town pending before PURA for designation as the community access provider for the Groton cable service area and its possible resolution by way of an MOU between the Town of Groton and SEC-TV, Inc. and an MOU between SEC-TV, Inc., Comcast, Inc., and TVC.

2. Discussion and action on the application of the Town pending before PURA for designation as the community access provider for the Groton cable service area and its possible resolution by way of an MOU between the Town of Groton and SEC-TV, Inc. and an MOU between SEC-TV, Inc., Comcast, Inc., and TVC.

Addition of two items to the agenda of this regular Town Council meeting of August 6, 2013.

A motion to add the two items outlined in the suspension of the rules to tonight's agenda was made by Councilor Watson, seconded by Councilor Antipas and so voted unanimously.

2010-0215 Community Access Television Application to DPUC**COMMUNITY ACCESS TELEVISION APPLICATION TO DPUC**

A motion was made by Mayor Somers, seconded by Councilor Johnson, to enter into executive session for discussion of strategy and negotiations related to the administrative proceedings/claims pending at PURA regarding the Town of Groton's application to be designated as the community access provider for the Groton cable service area and the possible resolution of those proceedings by way of an MOU between the Town of Groton and SEC-TV, Inc. and an MOU between SEC-TV, Inc., Comcast, Inc., and TVC, and to invite Town Attorney Mike Carey, Library Director Betty Anne Reiter, Municipal Video Specialist Shawn Greeley, and Town Manager Mark Oefinger to attend.

The motion carried unanimously

Discussed

The executive session concluded at 8:38 p.m.

2010-0215 Community Access Television Application to DPUC

COMMUNITY ACCESS TELEVISION APPLICATION TO DPUC

RESOLVED, that the Town Manager is hereby authorized to execute an MOU between the Town of Groton and SEC-TV, Inc. substantially in the form and content of the proposed/draft MOU reviewed by the Town Council at its executive session on August 6, 2013, and subject to the final approval of the Town Manager and the Town Attorney.

A motion was made by Mayor Somers, seconded by Councilor Antipas, that this matter be Adopted.

The motion carried unanimously

XII. ADJOURNMENT

A motion to adjourn at 8:43 p.m. was made by Councilor Watson, seconded by Councilor Johnson and so voted unanimously.

Attest:

*Betsy Moukawsher, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant